

**OUTGOING AIRGRAM****DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH**

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AMEMBASSY,

MEXICO, D. F.  
A-790 May 7, 1953

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With reference to the Embassy's telegram No. 1708 of April 29, 1953, the Department is weighing the relative advantages of encouraging the settlement of the cases of the shrimp boats along the lines proposed by Attorney Hidalgo as compared with a vigorous defense of the boats against the charges made. In any event, the decision must be made by the boat owners, but it is likely that they would be influenced if it were highly probable that a decision to turn down the present proposal would promote a more advantageous long-range settlement of their problems along the Mexican coast.

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As the Embassy is aware, studies are under way looking to the formulation of proposals to the Mexican Government which might be used as a basis for solving or minimizing problems arising in connection with United States shrimp fishing along the Mexican coast. In any such negotiations the United States would be seeking certain privileges for United States boats and ways and means involving action by the Mexican Government to avoid misunderstandings with respect to fishing rights, evidence, and so on. It appears that the chief pressure on the Mexican Government to agree to practical measures and proposals, would be the desire to avoid the difficulties and embarrassment with respect to United States relations which have developed in connection with non-observance by United States shrimp boats of Mexican laws and spasmodic attempts at enforcement of these laws, and to reduce the possibility of stirring up support for a tariff or quota on shrimp imports.

If this is correct, then any action which would promote a feeling of embarrassment should increase the possibility of obtaining concessions from Mexico which would in turn minimize the possibility of its recurrence. On the other hand, any action which would minimize such embarrassment would reduce the pressure on the Mexican Government to make concessions

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affecting the cause of embarrassment.

From a review of the charges against the recently seized fishing vessels, it would appear highly unlikely that they could be upheld by an objective tribunal on the basis of the evidence. In general, the charge is fishing without a permit, whereas there is no contention that the boats were observed conducting fishing operations. The Mexican authorities rely entirely upon circumstantial evidence, such as presence within nine miles of the coast (and this is disputed), coupled with the presence of shrimp in the holds of several boats. In this connection it has been maintained on considerable evidence that pink shrimp (the kind found in the boats taken at Campeche) are caught only at night, whereas the boats were taken into custody during the day.

The Department would appreciate having the Embassy's evaluation of the possibility that the Mexican Government considers its case against the vessels somewhat tenuous and for this reason finds it desirable to compromise the fines and clear the docket of these incidents. The Embassy's comments also are desired on the relative advantages of settling the fines as proposed by Attorney Hidalgo, thus clearing the atmosphere probably several months before the contemplated negotiations with Mexico (but also admitting the guilt of the vessels), as against a vigorous defense of the boats against the charges, supported to whatever extent is possible by the United States Government, with the possibility of settling these cases and accepting a compromise as one of the possible conditions or agreements to be reached in the contemplated conference. Essentially this is a matter of the comparative value to later negotiations of maintaining the pendency of cases believed embarrassing to the Mexican Government as against the possibility of antagonizing that Government by continued litigation and pressure on the cases.

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